

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2004 - 0030

A RESOLUTION TO ADOPT THE POLICY FOR THE IMPLEMENTATION AND ENFORCEMENT
OF THE NONPOINT SOURCE POLLUTION CONTROL PROGRAM AND APPROVE THE
FUNCTIONAL EQUIVALENT DOCUMENT

WHEREAS:

1. On December 14, 1999, the State Water Resources Control Board (SWRCB) approved Resolution No 99-114, adopting the Plan for California's Nonpoint Source (NPS) Pollution Control Program (NPS Program Plan).
2. The NPS Program Plan was developed in collaboration with the Regional Water Quality Control Boards (RWQCBs) and the California Coastal Commission to meet the requirements of section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990 and section 319 of the Clean Water Act.
3. The NPS Program Plan subsequently received joint federal approval from the United States Environmental Protection Agency and the National Oceanic and Atmospheric Administration on July 17, 2000.
4. Through the NPS Program Plan, the State committed to implementation of 61 identified NPS control management measures designed to control pollution in six NPS related land use categories through discharger implementation of site-specific management practices.
5. In 1999, Senate Bill 227 (California Water Code [CWC] Section 13369) was enacted, requiring the SWRCB to describe the process by which the SWRCB and the RWQCBs will implement and enforce the NPS Program Plan.
6. All dischargers and discharges of waste that could affect the waters of the State are subject to the regulatory and enforcement authorities provided in the CWC, including waste discharge requirements (WDRs), waivers of WDRs, and basin plan prohibitions conditioned to require NPS control implementation actions.
7. The CWC also provides the SWRCB and RWQCBs a wide range of enforcement authorities to ensure compliance with the regulatory orders they issue.
8. The SWRCB prepared and circulated a draft Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program (NPS Implementation and Enforcement Policy) that describes the process by which the SWRCB and the RWQCBs will implement and enforce the NPS Program Plan.
9. The SWRCB prepared and circulated a draft Functional Equivalent Document (FED) in accordance with the provisions of the California Environmental Quality Act and California Code of Regulations, title 14, §15251(g).

10. The SWRCB held a public hearing on February 3, 2004 and a workshop on May 4, 2004, on the draft NPS Implementation and Enforcement Policy and FED. The SWRCB has carefully considered all testimony and comments received on this matter and has determined that adoption of the proposed Policy has no potential to adversely impact the environment.
11. The SWRCB finds, based on the draft FED, including the Environmental Checklist and hearing record, that adoption of the proposed NPS Implementation and Enforcement Policy will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Fish and Game Code §711.2.

THEREFORE BE IT RESOLVED THAT:

The SWRCB:

1. Adopts the proposed NPS Program Implementation and Enforcement Policy ([Attachment A](#)).
2. Approves the draft FED for the proposed Policy ([Attachment B](#)).
3. Authorizes the SWRCB Executive Director, or designee, to sign the Certificate of Fee Exemption, which is attached to this resolution ([Attachment C](#)).
4. Authorizes the SWRCB Executive Director or designee to transmit the policy and administrative record to OAL for approval.

CERTIFICATION

The undersigned, Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of the resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on May 20, 2004.



Debbie Irvin
Clerk to the Board